Government of Saskatchewan

# Annual Report 2001-2002

Saskatchewan
Justice

Public
Disclosure
Committee

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# LETTER OF TRANSMITTAL

Her Honour the Honourable Linda Haverstock
Lieutenant Governor of Saskatchewan
Government House
4607 Dewdney Avenue
Regina, Saskatchewan
S4P 3V7

Dear Madam:

The undersigned, pursuant to section 12 of *The Public Disclosure Act* is pleased to present the Public Disclosure Committee Annual Report for the period of April 1, 2001 to March 31, 2002 which was submitted to me by the Public Disclosure Committee.

Chris Axworthy, Q.C.
Minister of Justice and Attorney General

# PUBLIC DISCLOSURE COMMITTEE

## PUBLIC DISCLOSURE COMMITTEE STAFF

Richard J. Peach
Janis Bohlken

The Committee maintains an office at:

7th Floor, 1874 Scarth Street
Regina, Saskatchewan S4P 3V7
Telephone: (306) 787-9713
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## ROLE OF THE COMMITTEE

The public has concerns about high risk offenders who have been released into communities after serving some or all of their sentence. One response to these concerns is to raise public awareness about a particular individual by providing information about the offender to affected individuals or communities.

*The Public Disclosure Act* was developed to assist the police in dealing with this important issue. The legislation was proclaimed in force November 15, 1996 and created a committee to provide non-binding advice to the police about persons who may pose a danger to the community.

On November 15, 1996, a nine-member committee was appointed to serve pursuant to the Act. The committee is presently chaired by a Pastor and co-chaired by a Victims Worker. Committee members include a former Court of Queen's Bench Justice (past-chair), senior officers with the RCMP, Regina and Saskatoon Police Service, a psychologist, a victims services director, an aboriginal woman who has worked extensively with healing offenders, victims and communities, and a lawyer. One of the members is from Moose Jaw, one is from White City, four are from Saskatoon and three are from Regina.

Police may bring applications with respect to persons who have been convicted of one of the offences prescribed in section 3 of the Regulations and who pose a risk of serious harm to persons in a community in Saskatchewan. The scheduled offences include sexual offences against children, sexual assaults, other sexual offences like bestiality and indecent acts, procuring children into prostitution, and serious personal injury offences like robbery, aggravated assault, kidnapping and trafficking in controlled drugs and substances.

The Committee can only recommend disclosure when the individual poses a significant risk of serious harm to other persons, the disclosure will assist in avoiding the risk posed by the individual, and the public interest in the disclosure outweighs the privacy interests of the individual. If the release of information is recommended, the committee will also recommend what information should be released, how it should be released, and to whom.

Decisions of the Committee are carefully considered and are based on review of information prescribed by the Act. This information includes such things as risk assessments, criminal records, likely destinations for the individual, descriptions of the offences the individual has committed in the past, and reasons the individual is believed to pose a significant risk of harm to others.

Persons that are the subject of an application to the Public Disclosure Committee are advised in advance that an application has been made and are afforded the opportunity to make submissions to the Committee in writing or on audio or video tape.

The advice given by the Committee does not bind the police agency making the request. However, police acting in compliance with the advice are accorded immunity from suit for their good faith actions in so doing.

# COMMITTEE HEARINGS & ACTIVITIES

## APPLICATIONS MADE TO THE COMMITTEE

The services provided by the committee within the scope of *The Public Disclosure Act* for the 12-month period ending March 31, 2002 are:

| Applications Received | Disclosure Advised | Disclosure Not Advised |
|---|---|---|
| 2 | 1 | 1 |

## MEETINGS

Pursuant to section 5 of *The Public Disclosure Regulations*, the Committee is required to schedule a minimum of one date per month for the hearing of applications. Additional expedited meetings are held when applications are brought of an urgent nature that cannot be held in abeyance until the regularly scheduled meetings.

From April 1, 2001 to March 31, 2002, the Committee held six regularly scheduled meetings and two expedited meetings.

In December 1996, the Committee held its inaugural meeting in Moose Jaw, Saskatchewan. Committee members participated in a training session on risk assessment provided by Correctional Services Canada. This session was followed by an orientation to the Act and the roles and responsibilities of the committee. Members were also advised of their express obligation of confidentiality.

There was also an explanation of the security issues this position presents. Given that the committee will be dealing with some of the potentially most dangerous persons in the province, certain precautions have been taken to protect committee members from harm. These include, but are not limited to, a specific request made by the Minister of Justice on announcing the legislation that the press not publish the identities or identifying information about committee members.

At the November and December 1998 meetings of the committee, additional training in risk assessment and the recidivism of offenders was provided to committee members, to assist them in considering the applications brought before the Committee.

### Providing Information to Police Services and the RCMP about the Committee

On November 15, 1996, Committee staff provided a package of information to all municipal police services in the province and the RCMP. In January 1997, Committee members and staff provided a one-half day presentation to designated police representatives. The sessions were held in Regina and Saskatoon. The presentation was designed to acquaint representatives with how to prepare and file applications with the Committee. Representatives from the RCMP and the Municipal police services act as liaison between the committee and their organizations, guaranteeing that these agencies are well aware of the application process.

## PROCESSING THE APPLICATIONS

Of the two applications received, both requested and were granted expedited consideration pursuant to subsection 15(1) of *The Public Disclosure Regulations*.

### Offender Profiles

Both offenders that were the subject of applictions were male.

Both offenders were over the age of 35 at the time of the application.

Both offenders had been convicted of at least two scheduled sexual offences.

Both offenders had been assessed at a significant to high risk to sexually re-offend.

The victims of both offenders were between the ages of 12 and early adulthood.

Both offenders had offended against four or more victims in the past.

Both offenders had been 17 when first convicted of a criminal offence.

Both offenders were required to serve all of their sentences before being released from jail.

Both offenders were in the community at the time an application was made.

## COMMITTEE BUDGET

The expenses of the Committee were absorbed into the budget of the Saskatchewan Police Commission. These expenses totalled $1,935.58 and supported the costs of Committee meetings and hearings. The Law Enforcement Services Branch of Saskatchewan Justice provided administrative support for the Committee.